

REMARKS/ARGUMENTS

Claims 1-11 and 13-33 are pending.

Claims 14-21 are withdrawn from consideration.

Claims 1-11, 13 and 22-33 are rejected.

Claims 1 and 22 have been amended. Support for these amendments can be found throughout the specification and drawings, as originally filed.

This response is submitted in response to a Final Office Action. The Applicant submits that the instant response places the application in a condition for allowance, or alternatively, in better form for appeal.

35 USC §102(e) REJECTION

Claims 1-11, 13 and 22-33 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,708,583 to Palmer et al.

The Applicants respectfully traverse the 35 USC §102(e) rejection of claims 1- 11, 13 and 22-23.

The law is clear that anticipation, under 35 U.S.C. §102(e), requires that the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. §112 ¶ 4.

In the interests of expediting the prosecution of the instant application and without admission that any amendment is necessary, the Applicants have amended claim 1 to recite, among other things, an integral plastic and metal part comprising: (1) a metal component having a first opening therein; and (2) a plastic component disposed about at least a portion of said metal component, said plastic component being comprised of a plastic material, said plastic material extending through said first opening and including a flange on one side thereof for securing said plastic component with said metal component in fixed relationship therebetween, wherein said plastic component includes at least one integrally formed connection member extending outwardly therefrom, said at least one connection member having an area defining at least one connection portion formed therein, wherein said at least one connection portion is operable to receive a fastening member so as to permit said plastic component to be fastened with at least one other component.

In the interests of expediting the prosecution of the instant application and without admission that any amendment is necessary, the Applicants have amended claim 22 to recite, among other things, an integral plastic and metal part comprising: (1) a metal component having a closed cross section defining an interior and exterior and having a first opening therein from the interior to the exterior; and (2) a plastic component disposed about at least a portion of said exterior of said metal component, said plastic material extending through said first opening and including a flange on said interior thereof for securing said plastic component with said metal component in fixed relationship therebetween, wherein said plastic component includes at least one integrally formed connection member extending outwardly therefrom, said at least one connection member having an area defining at least one connection portion formed therein,

wherein said at least one connection portion is operable to receive a fastening member so as to permit said plastic component to be fastened with at least one other component.

No such structure, as recited in either of claims 1 or 22, is taught by Palmer et al.

Specifically, Palmer et al. fail to teach, among other things, that the plastic component includes at least one integrally formed connection member extending outwardly therefrom, the connection member having an area defining at least one connection portion formed therein, wherein the connection portion is operable to receive a fastening member so as to permit the plastic component to be fastened with at least one other component.

Accordingly, the Applicants submit that the 35 USC §102(e) rejection of claims 1 and 22 has been overcome. Furthermore, claims 2-11 and 13, which depend from and which further define independent claim 1, are likewise not anticipated by Palmer et al. Additionally, claims 23-33, which depend from and which further define independent claim 22, are likewise not anticipated by Palmer et al. Therefore, the Applicants submit that the 35 USC §102(e) rejection of claims 1-11, 13 and 22-33 has been overcome.

Furthermore, the Applicants submit that claims 1-11, 13 and 22-33 are not rendered obvious by Palmer et al.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d 1434, 1438 (Fed.Cir.1988), *cert. denied*, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d 1397, 1398 (Fed.Cir.1989).

There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d 1248 (Fed.Cir.1989). If the prior art fails to provide this necessary teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is in error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed.Cir.1990).

As previously noted, Palmer et al. fail to suggest, among other things, that the plastic component includes at least one integrally formed connection member extending outwardly therefrom, the connection member having an area defining at least one connection portion formed therein, wherein the connection portion is operable to receive a fastening member so as to permit the plastic component to be fastened to at least one other component. In fact, Palmer et al. merely disclose that the reinforcing ribs 20 can be fastened to the shell 11, e.g., with the use of a mechanical fastener. In contradistinction, the present invention claims an integral member (i.e., not a separate member such as a screw, bolt, rivet, and/or the like as suggested by Palmer et al.) extending from the plastic component that includes a connection portion that permits the plastic component to be fastened to another component, i.e., a component other than the metallic component. Palmer et al. provide no such structure and/or capability.

Accordingly, the Applicants submit that Palmer et al. does not render claims 1-11, 13 and 22-33 obvious.

CONCLUSION


In view of the foregoing, the Applicant respectfully requests reconsideration and reexamination of the Application. The Applicant respectfully submits that each item raised by the Examiner in the Final Office Action of April 8, 2005 has been successfully traversed, overcome, or rendered moot by this response. The Applicant respectfully submits that each of the claims in this Application is in condition for allowance and such allowance is earnestly solicited.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Any needed extension of time is hereby requested with the filing of this document.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1612 (Warn Hoffmann Miller & LaLone). A duplicate copy of this letter is enclosed herewith.

Respectfully submitted,

by 

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